

REMARKS

Claims 1-17 are pending in this application. Claims 1-3, 5-9, and 11-17 stand rejected and claims 4 and 10 are objected to. Applicant wishes to thank the Examiner for the indication of allowance of allowable subject matter in claims 4 and 10. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Paragraph 2 of the Office Action rejects claims 1-3, 8, 9, 14 and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,450,086 ("Kaiser"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of independent claim 1 not present in the cited reference is an:

“operation clock control means for controlling,
based on said receiving electric field strength detected by
said detecting means, a frequency of an operation clock

used for processing data transmitted and received by said wireless transmitting/receiving means.”

In the present specification, the system clock frequency is controlled by a selector which selects the clock on the basis of a received level inferential value read out from the receiving level inferential value memory. Specifically, if a receiving level inferential value is large, the selector will select an output output from a PLL circuit, if the receiving level is “median”, the selector selects a first divider output, and if the receiving level inferential value is at the stage of “small”, the selector selects a second divider output. See specification at 10.

In contrast, Kaiser teaches that when the signal strength falls below a threshold set by limiter 18, indicating a possible new transmitter frequency, the HFLON pulse train disappears, divider 16 becomes active, and clock signals from 14 thus advance the state of counter 12. The changing data bits X_1 and X_2 of counter 12 switch tuning capacitors C1 and C2, singly or in combination, in parallel with tuning inductor L_0 and capacitor C_0 to alter the resonant frequency of resonant circuit 10 until the receiver is returned to the pulse train HFLON and the pulse train HFLON reappears. See Kaiser column 4, line 65 to column 5, line, 6. In Kaiser, the transmitter changes frequency, because which frequency F0, F1, F2, and F3, is not known at the receiver. The receiver uses the clock signal from HFCLK 14 to vary the resonant frequency until the proper resonant frequency is determined. However, Kaiser fails to change teaching an operation clock (i.e., the clock speed at which information is processed) only a resonant frequency for processing the received signal (i.e., a local oscillator frequency. As such, claim 1 is allowable over the cited reference.

Claims 2-6 depend either directly or indirectly from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by Kaiser and are also believed to be directed towards the patentable subject matter. Thus, claims 2-6 should also be allowed.

Independent claims 8, 14, and 16 include limitations directed to controlling a frequency of said operation clock based on said detected strength of said receiving electric field. As discussed above, the Kaiser reference does not disclose changing the frequency of the operation clock, i.e., the clock rate at which the device processes information. In Kaiser, the resonant frequency of resonant circuit 10 is varied using the output of sine to square wave converter 14 to vary the resonant frequency. However, this resonant frequency is not the operation clock explicitly recited in Applicant's claim. As such, Applicant respectfully submits that the Kaiser reference fails to disclose the operation clock explicitly recited in Applicant's claim.

Paragraph 7 of the Office Action rejects claims 5-7, 11-13, 15, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Kaiser in view of U.S. Patent No. 5,390,340 ("Kondo"). Applicant respectfully requests reconsideration and withdrawal of this rejection. As discussed above, Kaiser fails to disclose the operation clock explicitly recited in Applicant's claim. Kondo was not included to cure this deficiency but to disclose additional limitations which, even if Kondo were to show, would not result in Applicant's claimed invention. As such, Applicant requests withdrawal of this rejection and allowance of the rejected claims.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: July 2, 2004

Respectfully submitted,

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